MONTANA LEGISLATIVE HISTORY

Chapter 149 19 63

Bill H 101 S _____ Original bill & history ___C

H. Committee on Judiciary		S. Committee on Judiciary	
Hearing Date(s) 2-11	✓C	Hearing Date(s) 2-25	✓C
_____	___C	_____	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out _____	___C		

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

February 6, 1963

JUDICIARY COMMITTEE

The meeting of the House Judiciary Committee was held in the committee room at 8:00 on this date. Chairman Haughey presided. At the call of the roll, members absent included Bailey, Bradford, Dykstra, McNamer, and Rearden.

At this time Chairman Haughey reminded the members of the committee that all House bills must be out of committee before February 13.

House Bill No. 175 was first taken up. This bill, regarding the operation of aircraft, was amended and the motion was made by Lucas that the bill DO PASS. The motion was seconded by Hemstad. Motion carried.

House Bill No. 101 was given consideration and it was decided that a substitute bill should be drawn up. Turnage will work on that bill.

House Bill No. 16, which has gone into the province of the special committee, was again mentioned before the Judiciary Committee. Chairman Haughey explained that the passage of this bill was one of the recommendations of the special committee on reclassification and reappraisal. It is a must that we have reasonable values of properties in the counties. There are amendments that should be entered as safeguards, and McNamer is working on that at this time.

House Bill No. 152 will be announced for a hearing at 9:00 on Thursday, February 7. Mr. Swanberg would like to appear before the committee.

House Bill No. 225 was briefly discussed and the motion was made that this bill relating to adjustment of hail insurance losses DO PASS. Lucas seconded the motion made by Murray and the motion carried.

House Bill No. 243 was considered next and Turnage explained that this statute is an amendment to the statute which allowed the district courts to try children under 18 years of age for motor violations. This bill provides that justice courts and district courts shall have concurrent original jurisdiction in proceedings concerning unlawful operation of motor vehicles by children under 18. In addition Turnage proposed an amendment for the consideration of the committee to "provide such child shall not be imprisoned for failure to pay such fine."

It was asked how many states presently have this. New York and Connecticut have this bill. California, Oregon, Michigan, Main, and a few others have a similar bill. Colorado is considering radifying this thing this year. Congress is expected to go along with this for federal prison this year also.

Turnage indicated that it makes it rough on handling of a prisoner when he has a retainer filed and is so confined. There is the temptation to escape. The problem is that once a detainer is filed there is no possibility on the parole system of considering him for a parole. Too often the other state is not interested in coming to get him so he serves time and when they should be coming to get him, they say they do not want him. Therefore, he could have been eligible for a parole.

In answer to Zimmer's question, it was stated that such procedure was first instituted in 1958.

Lucas made a motion, seconded by Turnage, that the bill DO PASS. Motion carried.

Substitute House Bill No. 101 was submitted, incorporating those matters previously discussed in Judiciary. Turnage made the motion that the bill be introduced by the Committee on Judiciary. Keller seconded the motion. They also made the motion and seconded it that the original bill DO NOT PASS. Motions carried.

February 11, 19.63

MR. SPEAKER:

We, your Committee on JUDICIARY

having had under consideration HOUSE Bill No. 101

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR SUPPLEMENTAL PUBLICATION BY RADIO BROADCAST AND TELEVISION BROADCAST OF ANY NOTICE REQUIRED BY LAW TO BE PUBLISHED BY ANY OFFICIAL OF THE STATE OF ANY OF ITS POLITICAL SUBDIVISIONS."

Respectfully report as follows: That HOUSE Bill No. 101

DO NOT PASS

But that SUBSTITUTE HOUSE BILL No. 101 - INTRODUCED BY THE COMMITTEE ON JUDICIARY - A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR SUPPLEMENTAL PUBLICATION BY RADIO BROADCAST AND TELEVISION BROADCAST OF A SUMMARY OF ANY NOTICE REQUIRED BY LAW TO BE PUBLISHED BY ANY OFFICIAL OF THE STATE OR ANY OF ITS POLITICAL SUBDIVISIONS."

JUDICIARY COMMITTEE MEETING
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The meeting was called to order by the Chairman. All the committee members were present.

House Representative Millo Jensen appeared before the committee in behalf of Substitute House Bill 71. He informed the committee that three bills were introduced in the House, pertaining to the matter of open meetings, and that Substitute House Bill 71 was written to cover all three. The purpose of this bill is to set forth a public policy in regard to meetings of public boards and bureaus.

House Representative James P. Lucas appeared before the committee in behalf of House Bill 231. He briefly outlined the bill and informed the committee that the bill would be most useful in the case of small businesses and corporations.

House Representative William R. McNamer appeared before the committee in behalf of House Bill 386. He gave a brief explanation of the bill to the committee. He informed the committee that, as the law now stands, it does permit the hiding of some important facts; and that this bill will allow getting at the truth in medical testimony.

House Representative Francis Bardanouve appeared before the committee in behalf of House Bill 94. He explained the bill to the committee and informed them that this bill sets up a procedure for claiming any unclaimed property for the Treasury of the State of Montana. If the claimant ever turns up, he can always have his property back. Mr. Nick Rotering, from the Attorney General's office, also appeared before the committee in behalf of this bill.

House Representative James Haughey appeared before the committee in behalf of House Bill 101. He was accompanied by House Representative Thomas Judge and four radio and television announcers. Mr. Judge acted as spokesman for the group and answered questions asked by the committee. He submitted to the committee for their study several examples of spot television advertising.

House Representative William Spahr appeared before the committee in behalf of House Bills 183 and 184. He informed the committee that House

JUDICIARY COMMITTEE MEETING
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Bill 183 amends the present Welfare Act and that House Bill 184 amends the Industrial Accident Board Act.

Senator Dussault made a motion and was seconded by Senator Gerard that Senator Huntley be appointed a sub-committee of one to obtain further information on House Bill 392. The motion was carried.

Senator McElwain reported to the committee on House Bill 200. Senator Huntley made a motion and was seconded by Senator McElwain that the committee recommend that House Bill 200 be concurred in. The motion was carried.

Senator Gerard reported to the committee on House Bill 176. Senator Cumming made a motion and was seconded by Senator McGowan that the committee recommend that House Bill 176 be not concurred in. The motion was carried.

Senator Dussault made a motion and was seconded by Senator McDonnell that Substitute House Bill 71 be concurred in. The motion was carried.

Senator McElwain made a motion and was seconded by Senator Gerard that House Bill 231 be concurred in. The motion was carried.

Senator Cumming made a motion and was seconded by Senator Schoonover that Substitute House Bill 101 be concurred in. The motion was carried.

Senator Huntley made a motion and was seconded by Senator Schoonover that House Bill 183 be amended as follows: Amend Section 1, page 1, line 31 of the original bill, being Section 1, page 2, line 16 of the printed bill, by deleting the word "shall" and inserting in lieu thereof the word "may". Senator Cumming made a motion and was seconded by Senator Huntley that House Bill 183 as amended be concurred in. The motion was carried.

Senator Gerard made a motion and was seconded by Senator Schoonover that House Bill 184 be concurred in. The motion was carried.

Senator Dussault made a motion and was seconded by Senator Huntley that House Bill 94 be amended as follows: Amend Section 26, page 15, line 22 of the original bill, being Section 26, page 17, line 3 of the printed bill, by striking the period "." after the word act and inserting the following: "and shall be represented in the enforcement of the provisions of this act by the special assistant attorney general in charge of escheated estates.";

February 26, 19 63

MR. PRESIDENT:

We, your Committee on Judiciary

having had under consideration Substitute House Bill No. 101

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR SUPPLEMENTAL PUBLICATION BY RADIO BROADCAST AND TELEVISION BROADCAST OF A SUMMARY OF ANY NOTICE REQUIRED BY LAW TO BE PUBLISHED BY ANY OFFICIAL OF THE STATE OR ANY OF ITS POLITICAL SUBDIVISIONS."

Respectfully report as follows: That Substitute House Bill No. 101

BE CONCURRED IN

~~XXXXXXX~~ Do Pass.

3 1500—2—40643

EUGENE N. MARONEY, Chair

Amending clause.

Section 3. Section 26-510, Revised Codes of Montana, 1947, as amended, is hereby amended to read as follows:

Special wild turkey tags—bag limit.

"Section 26-510. *Special* **wild turkey tags—fee.** The state fish and game commission may issue wild turkey tags to the holder of a valid Class *A-1*, Class B-1, or Class B-2 license. Each tag shall authorize the holder to hunt, shoot, capture or possess one (1) wild turkey during such times and such places as the commission shall authorize an open season on wild turkey.

Fee.

The fee for a wild turkey tag shall be two dollars ($2.00). Turkey tags shall be issued either by a drawing system, or in unlimited number according to such rules and regulations as the commission shall prescribe."

Effective May 1, 1964.

Section 4. This act shall be effective May 1, 1964.

Approved March 5, 1963.

CHAPTER 149

An Act Providing for Supplemental Publication by Radio Broadcast and Television Broadcast of a Summary of Any Notice Required By Law to Be Published By Any Official of the State or Any of Its Political Subdivisions.

Be it enacted by the Legislative Assembly of the State of Montana:

Officials may supplement required publication of notice by radio or television broadcast.

Section 1. Any official of the state or any of its political subdivisions who is required by law to publish any notice required by law may supplement such publication by a radio or television broadcast of a summary of such notice, or by both of such broadcasts, when, in his judgment, the public interest will be served. The summary of such notice only shall be read with no reference to any person by name then a candidate for political office, and such announcements shall be made only by duly employed personnel of the station from which such broadcast emanates, and announcements by political subdivisions may be made only by stations situated within the county of origin of the legal notice, unless no broadcast station exists in such county, in which case announcements may be made by a station or stations situated in

any county other than the county of origin of the legal notice.

Station shall retain for six months.

Section 2. Each radio or television station broadcasting any summary of a legal notice shall for a period of six (6) months subsequent to such broadcast retain at its office a copy or transcription of the text of the summary as actually broadcast, which shall be available for public inspection.

Proof by affidavit.

Section 3. Proof of publication of a summary of any notice by radio or television broadcast shall be by affidavit of the manager, an assistant manager or a program director of the radio or television station broadcasting the same.

Approved March 5, 1963.

CHAPTER 150

An Act to Amend Section 53-615, R. C. M. 1947, Relating to Fees on Trucks, Tractors, Trailers, Semitrailers and Other Vehicles; Providing for Certain Exemptions Therefrom; Amending Section 53-642, R. C. M. 1947, Relating to Movement of Special Mobile Equipment Over the Highways and Redefining the Term 'Special Mobile Equipment'; Providing That Equipment and Machinery Which Cannot Be Self-Propelled or Towed Upon the Highways of This State Shall Be Exempt From the Terms and Provisions of Title 53, R. C. M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 53-615, R. C. M. 1947, is amended to read as follows:

Gross vehicle weight—trucks, tractors, trailers, semitrailers.

"Section 53-615. **Additional fees on trucks, tractors, trailers and semitrailers.** In addition to other fees for the licensing of vehicles, there shall be paid and collected annually for each motor truck and truck-tractor, based upon the maximum gross loaded weight thereof as set by the licensee in his application, the following fees:

Fees.

Schedule I:

Up to 6,000 lbs. ..... $ 6.00